



W.P. No.9183 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM: JUSTICE N.SESHASAYEE

W.P. No.9183 of 2019

M.Thangapandi

... Petitioner

Vs.

- 1.The Principal Secretary,
Health Department
Secretariat
Government of Tamil Nadu
Fort St. George
Chennai - 600 009
- 2.The Director of Medical Services
Government of Tamil Nadu
Anna Salai, Teynampet
Chennai - 600 018
- 3.The Principal Secretary to Government
Welfare of Differently Able Persons
Secretariat, Fort St. George,
Chennai - 600 009
- 4.Secretary, Ministry of Health and Family Welfare
Nirman Bhawan,
New Delhi - 110 011
- 5.The Secretary, Department of Empowerment of
Persons with Disabilities
Ministry of Social Justice and Empowerment
Shastri Bhawan, New Delhi - 110 001



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6.The Director for Welfare of Differently Abled
No.5, Kamarajar Salai
Chennai - 600 005

7.The District Collector,
Namakkal
(Respondents 6 and 7 suo motu impleaded vide
order dated 26.07.2023 made in W.P. No.9183
of 2019)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a writ of mandamus directing the first respondent to provide all the home based health care services, care giver services, mobile support needs, life support, financial assistance and all other needs to the wards of petitioner as per constitutional rights and the provisions of the rights of persons with Disabilities Act, 2016.

For Petitioner : Mr.J.Harikrishna

For Respondents : Mr.M.Bindran,
Additional Government Pleader
for Respondents 1 to 3, 6 & 7

Mr.J.Madhanagopal Rao,
CGSC for R4 & R5



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ORDER

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It is the case of a pathetic story of two physically disabled children of the petitioner, both of whom are suffering from acute muscular dystrophy. He has made a representation to the District Collector and a whole lot of authorities with multiple requirements.

2. Earlier, when the matter came up before this court on 04.07.2023, Mr.C.Kathiravan, learned Special Government Pleader, appearing for the respondents 1 to 3, brought to the notice of this court, the steps taken by the Government and has also filed a comprehensive report dated 12.09.2022. He also submitted that petitioner's son and daughter are being paid Rs.2,000/- each per month and a sum of Rs.1,000/- each per month for high support needs. This apart, one of the disabled persons, namely Thiru.Bharathan had been given Rs.50,000/- for establishing Aavin Parlour.

3. The learned counsel for the petitioner would however submit that both the children of the petitioner are literally immobile and confined to bed as their disease is getting acute day by day. It is in these circumstances, this court, chose to implead respondents 6 and 7 *suo motu* and also tried to ascertain what best



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could be done to help these children.

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4.Today, Mr.M.Bindran, learned Additional Government Pleader appeared before this court along with the District Collector, Namakkal and the Director for Welfare of Differently Abled, Chennai, namely respondents 7 and 6 respectively, to assist the court.

5.The District Collector, Namakkal, submitted that, she personally visited petitioner's house and noted the condition of the two children, and that the condition of petitioner's family is extremely painful. She added that she has immediately passed necessary orders and assigned two cents of patta land in Survey No.217/120 of Mohanur village, and has also mobilised funds through private contribution for construction of a house to enable the petitioner and his two children to lead a dignified life. This court understands that the District Collector now before me is a qualified medical practitioner. No wonder she has approached the whole issue with considerable sensitivity, which her qualification in medicine, has enabled her to acquire. She added that the foundation stone laying ceremony for the construction of the house was held on 23.08.2023, and the District Collector promised that the entire house would be



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constructed in 100 days. The District Collector also submitted that she would do everything necessary in order that the children's care and interest are protected.

6.This court needs to add nothing more than to record its appreciation for the Collector's efforts, yet another time. The petitioner is now required to approach the District Collector with his other requests, if any, for providing his children a dignified life. One significant aspect that was repeatedly insisted before this court was that both the children require the support of a trained physiotherapist. The District Collector, would state that every requirement of the petitioner, to the extent it is feasible, would be attended to without any delay. She also submitted that if at all there is any difficulty to mobilise support within the administrative set up, she will approach philanthropists and organise whatever needed to be done.

7.Recording the statement of the District Collector, Namakkal, this court disposes of the writ petition. No costs.

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Index : Yes/No
Asr



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N.SESHASAYEE, J.,

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